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Barbara J. Mandell, Esq. (State Bar No. 106523)
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bmandell@mrllp.com

Attorneys for Plaintiffs EVANSTON INSURANCE CO. and MARKEL SHAND, INC.

**UNITED STATES DISTRICT COURT**
**SOUTHERN DISTRICT OF CALIFORNIA**

| | |
|---|---|
| EVANSTON INSURANCE CO., an Illinois corporation; MARKEL SHAND, INC., an Illinois corporation,<br><br>Plaintiffs,<br><br>vs.<br><br>BYRON & EDWARDS, APC; BYRON EDWARDS MOSTOFI, APC; MICHAEL M. EDWARDS, ESQ., an individual; THOMAS W. BYRON, ESQ., an individual; and DOES 1-50, inclusive,<br><br>Defendants. | Case No.: 08CV407BTMLSP<br><br>**NOTICE OF FILING PROOF OF SERVICE FOR BYRON & EDWARDS, APC** |

ORIGINAL

| | |
|---|---|
| *Attorney or Party without Attorney:* Barbara J. Mandell, Esq, Bar #106523<br>Michelman & Robinson, LLP<br>15760 Ventura Blvd., Suie 500<br>Encino, Ca 91436<br>*Telephone No:* 818-783-5530 *FAX No:* 818-783-5507<br>*Attorney for:* Plaintiff<br>*Ref. No. or File No.:* 03382.0019 | *For Court Use Only* |
| *Insert name of Court, and Judicial District and Branch Court:* United States District Court, Southern District Of California | |
| *Plaintiff:* Evanston Insurance Co., et al<br>*Defendant:* Byron & Edwards, APC, et al | |

| **PROOF OF SERVICE sum civil** | *Hearing Date:* | *Time:* | *Dept/Div:* | *Case Number:* 08CV407BTMLSP |
|---|---|---|---|---|

1. *At the time of service I was at least 18 years of age and not a party to this action.*

2. I served copies of the Summons in a Civil Action; Complaint; Civil Cover Sheet; Certification and Notice of Interested Parties (Local Rule 7.1-1).

3. a. *Party served:* Byron & Edwards, APC
   b. *Person served:* Betty Brown, Assistant

4. *Address where the party was served:* 402 W. Broadway Ste 1900, San Diego, Ca 92101

5. *I served the party:*
   b. **by substituted service.** On: Fri., Mar. 28, 2008 at: 2:50PM I left the documents listed in item 2 with or in the presence of: Betty Brown, Assistant, Hispanic, Female, 26 Years Old, Brown Hair, Brown Eyes, 5 Feet 5 Inches, 120 Pounds
   (1) **(Business)** a Person in charge at least 18 years of age apparently in charge of the office or usual place of business of the person served. I informed him or her of the general nature of the papers.
   (4) A declaration of mailing is attached.

6. *The "Notice to the Person Served" (on the Summons) was completed as follows:*
   *on behalf of:* Byron & Edwards, APC
   Under CCP 416.10 (corporation)

7. ***Person Who Served Papers:***
   a. Michael Smith

LEGAL EXPRESS LIMITED

*LEGAL EXPRESS LTD.*
*1831 HARTMAN LN.*
*P. O. BOX 808001*
*PETALUMA, CA 94975-8001*
*PHONE 707-765-6765*
*FAX 707-765-6762*

Recoverable Cost Per CCP 1033.5(a)(4)(B)

d. ***The Fee** for Service was:* $55.00

e. I am: (3) registered California process server
   *(i)* Independent Contractor
   *(ii) Registration No.:* 1333
   *(iii) County:* San Diego

8. ***I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.***

Date:Tue, Apr. 01, 2008

(Michael Smith)

*michelma.155626*

ORIGINAL

| | |
|---|---|
| *Attorney or Party without Attorney:*<br>Barbara J. Mandell, Esq, Bar #106523<br>Michelman & Robinson, LLP<br>15760 Ventura Blvd., Suie 500<br>Encino, Ca 91436<br>*Telephone No:* 818-783-5530 *FAX No:* 818-783-5507<br>*Attorney for:* Plaintiff<br>*Ref. No or File No.:* 03382.0019 | *For Court Use Only* |
| *Insert name of Court, and Judicial District and Branch Court:*<br>United States District Court, Southern District Of California | |
| *Plaintiff:* Evanston Insurance Co., et al<br>*Defendant:* Byron & Edwards, APC, et al | |

| **PROOF OF SERVICE By Mail** | *Hearing Date:* | *Time:* | *Dept/Div:* | *Case Number:* 08CV407BTMLSP |
|---|---|---|---|---|

1. I am over the age of 18 and not a party to this action. I am employed in the county where the mailing occured.

2. I served copies of the Summons in a Civil Action; Complaint; Civil Cover Sheet; Certification and Notice of Interested Parties (Local Rule 7.1-1).

3. By placing a true copy of each document in the United States mail, in a sealed envelope by **First Class** mail with postage prepaid as follows:

   a. Date of Mailing: Tue., Apr. 01, 2008
   b. Place of Mailing: Petaluma, Ca 94975
   c. Addressed as follows: Byron & Edwards, APC
   402 W. Broadway Ste 1900
   San Diego, Ca 92101

4. I am readily familiar with the business practice for collection and processing of correspondence as deposited with the U.S. Postal Service on Tue., Apr. 01, 2008 in the ordinary course of business.

5. *Person Serving:*
   a. Ioanna Asimos
   b. Legal Express Limited
   P.O. Box 808001
   Petaluma, Ca 94975
   c. 707 765-6765, FAX 707-765-6762

   Recoverable Cost Per CCP 1033.5(a)(4)(B)
   d. ***The Fee** for Service was:* $55.00
   e. I am: (3) registered California process server
   *(i)* Independent Contractor
   *(ii) Registration No.:* 115
   *(iii) County:* Marin

8. ***I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.***

Date:Tue, Apr. 01, 2008

(Ioanna Asimos)

| | |
|---|---|
| *Attorney or Party without Attorney:*<br>Barbara J. Mandell, Esq, Bar #106523<br>Michelman & Robinson, LLP<br>15760 Ventura Blvd., Suie 500<br>Encino, Ca 91436<br>*Telephone No:* 818-783-5530 *FAX: No:* 818-783-5507<br>*Ref. No or File No.:* 03382.0019 | *For Court Use Only* |
| *Insert name of Court, and Judicial District and Branch Court:*<br>United States District Court, Southern District Of California | |
| *Plaintiff:* Evanston Insurance Co., et al<br>*Defendant:* Byron & Edwards, APC, et al | |

| **Due Diligence**<br>sum civil | *Hearing Date:* | *Time:* | *Dept/Div:* | *Case Number:*<br>08CV407BTMLSP |
|---|---|---|---|---|

1. I, Michael Smith, and any employee or independent contractors retained by Legal Express Limited are and were on the dates mentioned herein over the age of eighteen years and not a party to this action. Personal service was attempted on Defendant Byron & Edwards, APC as follows:

2. *Documents:* Summons in a Civil Action; Complaint; Civil Cover Sheet; Certification and Notice of Interested Parties (Local Rule 7.1-1)..

| Day | Date | Time | Location | Results |
|---|---|---|---|---|
| Thu | 03/13/08 | 3:35pm | Business | Subject refuses to come out of his office. Attempt made by: Pamela Macias, Registration #1328 San Diego County. Attempt at: 402 W. Broadway Ste 1900 San Diego Ca. 92101. |
| Tue | 03/25/08 | 6:58pm | Other | Gated community. Unable to gain access. Defendant's name is not listed on the registry. Attempt made by: Pamela Macias, Registration #1328 San Diego County. Attempt at: 3329 Armagosa Way Jamul Ca. 91935. |
| Wed | 03/26/08 | 7:05am | Other | Unable to gain access. Attempt made by: Pamela Macias, Registration #1328 San Diego County. Attempt at: 3329 Armagosa Way Jamul Ca. 91935. |
| Fri | 03/28/08 | 2:50pm | Business | Substituted Service effected by leaving copy of the document(s) with; Betty Brown, assistant. Attempt made by: Michael Smith. Attempt at: 402 W. Broadway Ste 1900 San Diego Ca. 92101. |

3. *Person Executing*
   a. Michael Smith
   **b. Legal Express Limited**
   P.O. Box 808001
   Petaluma, Ca 94975
   c. 707 765-6765, FAX 707-765-6762

Recoverable Costs Per CCP 1033.5(a)(4)(B)
***d.. The Fee** for service was:* $55.00
*e. I am:* (3) registered California process server
*(i)* Independent Contractor
*(ii) Registration No.:* 1333
*(iii) County:* San Diego

4. *I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.*

*Date:* Tue, Apr. 01, 2008 **Due Diligence** (Michael Smith) stein.155626

# PROOF OF SERVICE

**STATE OF CALIFORNIA** )
) **ss.**
**COUNTY OF LOS ANGELES** )

I am employed in the office by a member of the bar of this Court in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action. My business address is 15760 Ventura Boulevard, Suite 500, Encino, California 91436.

On **April** 11 , **2008**, I served the foregoing document described as:

**NOTICE OF FILING PROOF OF SERVICE FOR BYRON & EDWARDS, APC**

on the interested parties in this action, by placing true copies thereof enclosed in sealed envelopes addressed to the following addressees:

Kevin DeSantis
Butz Dunn DeSantis et al
101 W Broadway #1700
San Diego, CA, 92101-3881
Phone Number: (619) 233-4777
Fax Number: (619) 231-0341

[X] **BY MAIL**: I caused such envelope to be deposited in the mail at Encino, California. The envelope was mailed with postage thereon fully prepaid. I am "readily familiar" with the law firm's practice of collection and processing correspondence for mailing. Under the practice, it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid at Encino, California, in the ordinary course of business. I am aware that on motion of a party served, service is presumed invalid if the postal cancellation date or postage meter is more than one day after the date of deposit for mailing the affidavit.

[X] (FEDERAL) I declare that I am employed in the offices of a member of the bar of this court at whose direction the service was made.

Executed on **April** 11 , **2008**, at Encino, California.

Alenoosh Hovanessian